

REMARKS

Claims 1-8 have been amended and claims 10-19 stand cancelled without prejudice or disclaimer. No new matter is presented by virtue of the within amendment; support therefor can be found throughout the specification and in the original claims of the application.

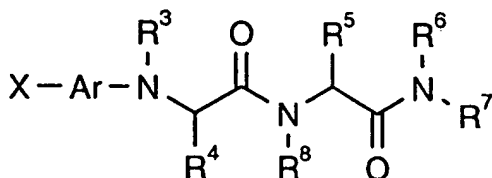
Applicants also submit that the amendments may be properly entered at this time, i.e., after final rejection pursuant to 37 C.F.R. § 1.116 because the amendments do not raise any new issues or require a new search and they reduce the issues for appeal. For instance, the claims as amended herein are within the scope of prior searches. It is also believed the application is in condition for allowance. Entry of the amendments is earnestly solicited.

The undersigned attorney and agent thank Examiner Wright for the courtesy extended during their recent telephonic discussion of the office action. In particular, the generic concept (e.g., of a very limited species) which was identified for examination was discussed, as was the potential broadening of that subject matter. While no definitive agreement was reached, as a result of our discussion, the Examiner was amenable to broadening the generic concept upon appropriate amendment of claim 1, if one general classification were maintained.

As an initial formality, Applicants also request reconsideration of the finality of the Office Action. In particular, it is respectfully submitted that final rejection of the application was premature and not properly in accordance with MPEP 706.07. For example, the first substantive office action on the merits was essentially a second restriction requirement which identified a generic concept for examination. No prior art was applied as a basis for limiting the search short of the genus of claim 1. Following Applicants' initial response, a final office action was issued which maintained only an objection to the claims on the sole grounds that they contained non-elected subject matter. Thus, Applicants respectfully request that the finality of the Office Action be considered and withdrawn.

Referring now to the Office Action, claims 1-9 stand objected to on the sole grounds that they contain non-elected subject matter.

The claims as amended are directed to compounds of the formula:



in which NR^6R^7 taken in combination form a heterocyclic ring system, e.g., a heterocycloalkyl ring system, an aryl-heterocycloalkyl ring system, or a heteroaryl ring system.

Moreover, claim 1, as amended, is directed to compounds in which Ar is arylene, R^3 , R^5 , and R^8 are independently selected hydrogen or small alkyl groups, and R^4 is an aryl, heteroaryl, or aralkyl group which may be substituted as specified in claim 1,

Applicants believe that claim 1, as amended, provides compounds which are defined general classification 548 in that all compounds provided by claim 1 comprise a heterocyclic ring system comprising at least one nitrogen (e.g., the NR^6R^7). Thus, claim 1, as amended, is directed to a class of compounds having core structural elements which allow for an expeditious search to supplement the initial search conducted by the Examiner.

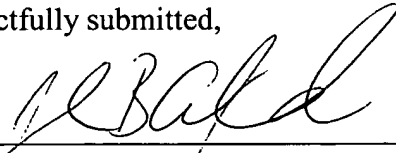
In view thereof, reconsideration and withdrawal of the objection are requested.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Weber, et al.
U.S.S.N. 10/081,009
Page 9

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'C. O'Day', written over a horizontal line.

Christine C. O'Day (Reg. 38,256)
John B. Alexander, Ph.D. (Reg. 48,399)
Edwards & Angell, LLP
P.O. Box 9169
Boston, MA 02209
Tel: 617-439-4444
Fax: 617-439-4170